

Respectfully submitted,

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Dated: September 10, 2009

RULE 7.1 CERTIFICATION

The undersigned counsel certifies pursuant to Local Rule 7.1(a)(2) that he has conferred with counsel for the Plaintiff on the issues raised in this motion, and the parties were unable to agree.

Dated: September 10, 2009

s/ James J. Fauci
James J. Fauci

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

Dated: September 10, 2009

/s James J. Fauci
James J. Fauci
Assistant United States Attorney